

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE APPLICATION OF  
OASIS FOCUS FUND LP, QUADRE  
INVESTMENTS, L.P., and 507  
SUMMIT LLC,

Petitioners,

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1:23-CV-239-DII  
(lead case)

1:23-MC-473-RP  
(consol. case)

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Respondent Hisayuki Idekoba’s (“Respondent”) Motion to Vacate, (Dkt. 17). (R. & R., Dkt. 44). Respondent timely filed objections to the report and recommendation. (Objs., Dkt. 46). A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation. 28 U.S.C. § 636(b)(1)(C). This Court has recently held that enforcement decisions under 28 U.S.C. § 1782 should be considered non-dispositive and reviewed for clear error, rather than be treated as dispositive and reviewed de novo. *See CFE International LLC v. Arbor Glen Consulting LLC*, No. 1:23-CV-00057-DII (W.D. Tex. filed Jan. 17, 2023) (Order, Dkt. 44, at 3–7) (noting that such a holding reflects the “majority approach”). Having reviewed Respondent’s objections, the responsive briefing, and the relevant law, the Court will overrule the objections and adopt the report and recommendation as its own order.<sup>1</sup>

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 46), is **ADOPTED**.

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<sup>1</sup> Although clear error is the appropriate standard, the Court would reach this finding even under de novo review.

**IT IS FURTHER ORDERED** that Respondent's motion to vacate, (Dkt. 17), is **DENIED IN PART** and **GRANTED IN PART**. Petitioners' applications, (Dkt. 1), are **GRANTED IN PART** and **DENIED IN PART**. Specifically, Petitioners may serve the requested document production on Idekoba, but their request for a deposition is denied without prejudice to being reasserted following the document production.

**IT IS FINALLY ORDERED** that this case is **CLOSED**. Each party shall bear their own costs.

**SIGNED** on November 2, 2023.

A handwritten signature in blue ink, appearing to read 'Rob Pitman', written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE